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REGION: Jessica's Law faces hurdles

By TERI FIGUEROA - Staff Writers

A state law designed to protect children from molesters is running into hurdles, slowing officials from enacting some of its components and leading to some unintended consequences.

Tough housing restrictions, skyrocketing costs of evaluating the risks that sex offenders could be repeat predators, and the potential for less monitoring time for parolees in the community have some officials concerned.

"This particular law has a lot of unintended consequences, and those may have such a weight that the intended consequences will suffer," said Heather Dauler of the San Diego Sex Offender Management Council.

Jessica's Law, which California voters passed with 70 percent approval in 2006, requires tough punishment of people who commit sex crimes against children. It requires longer sentences, lifelong electronic monitoring and it mandates tougher restrictions on where registered offenders can live.

It also requires larger numbers of convicted sex offenders be screened to determine if they should be among the few people designated as sexually violent predators.

Costs up

Since Jessica's Law when into effect, on Nov. 8, 2006, the number of prisoners screened as potential sexually violent predators has skyrocketed ---- from 50 a month to about 700 a month, according to state officials. The screening costs about \$7,000 per person.

A sexually violent predator is a convicted criminal who has been deemed a threat to commit more sex crimes if released into the community.

Jessica's Law targets all registered sex offenders ---- people who, as a condition of their punishment for a sex-related crime, are forced to register their addresses with local police.

The registry includes not just child molesters and rapists, but people convicted of crimes such as indecent exposure or the unwanted fondling of another.

Before Jessica's Law was passed, state law required that a sex offender have more than one victim and have committed one of nine particular crimes to be evaluated as a possible sexually violent predator.

The number of crimes that force the screening also has jumped under Jessica's Law.

The new law states that one victim is enough to force an evaluation, and it increased the types of sex crimes that call for evaluation from nine to 35.

To be declared a sexually violent predator, Jessica's Law requires a convicted sex offender to be diagnosed with a mental disorder that makes him or her a danger to others and likely to engage in predatory behavior.

Those given the label are committed and treated for an indefinite amount of time at a mental hospital. In California last week, 588 people were listed as having the designation.

The additional screening to ferret out sexually violent predators comes at a cost. Last year, the state spent \$27 million on the evaluations ---- up from \$3 million a year before the law, a state Department of Health spokeswoman said.

Community protection

Less than 18 months into the newly required boost in intensive screenings, it's too early to see if there are more people being deemed sexual predators, said Nancy Kincaid, spokeswoman for the state's Department of Mental Health, which handles the screening.

Before Jessica's Law, about half of those screened were found to be predators, she said.

Now, with thousands more people required by law to be evaluated, mental health professionals are finding only 7 percent to 10 percent of the people they look at should be deemed as sexually violent predators.

Dauler, of the sex offender management council, said the wider net is not a bad requirement.

"The question is do you want to wait for a second victim to evaluate someone?" Dauler said.

The parole process for people tapped to undergo the screening is also raising a few concerns about just when that parole clock starts ticking.

Some of the inmates are evaluated at a state mental hospital upon release from prison, officials said. And that process can take months, reducing time left on the parole clock when they are back in the community.

"It is time wasted," said Santa Clara County prosecutor James Cahan, who is working with the Legislature to change the law to get the parole clock to stop during the screening process. "Parole is for community protection."

Telling parolees to move

The one piece of Jessica's Law that gets the most attention is a prohibition that keeps registered sex offenders from living within 2,000 feet of a school or park.

Soon after the law passed, four parolees sued over the residency restrictions, and the California Supreme Court agreed to look at the case.

San Diego County's Probation Department, based on advice from county lawyers, is waiting for the court ruling before it tells any of the 64 sexually violent predators it monitors to relocate, said department spokesman Derryl Acosta.

"If the law is not upheld, we could be liable" for forcing people to move, Acosta said. "County counsel has advised us to wait, and while we are waiting we take some criticism."

State parole officials aren't waiting.

Probation differs from parole and is associated with people who received up to a year in jail for their crimes. Any sentence over a year will land most people in prison ---- and eventually under the purview of parole officers.

Last summer, parole officers across the state discovered that, under Jessica's Law, about 2,500 parolees were living to close to schools or parks.

Officers began telling the parolees they had 45 days to move, said Gordon Hinkle, the spokesman for the California Department of Corrections and Rehabilitation.

It may have forced some onto the streets.

With the tighter laws, the number of sex offenders who register as transients is up, now at about 3,000 in the state, said Suzanne Brown-McBride, the executive director of the statewide Sex Offender Management Board.

"Certainly, we are concerned with the transient numbers," Brown-McBride said.

The changes in the laws also have registered sex offenders concerned, said Barbara Barrett, who counsels probationers who got into trouble for failing to register as sex offenders.

"It's the low- and medium-risk people that are really being affected by Jessica's Law," Barrett said. "They are scared to death. Some of them know they have to move. Some of them can't get jobs."